

**STATE OF CALIFORNIA**  
**DEPARTMENT OF FOOD AND AGRICULTURE**  
**MARKETING BRANCH**



**MARKETING ORDER FOR MANUFACTURING MILK  
AND DAIRY PRODUCTS IN CALIFORNIA**

Originally Effective April 1, 1970  
Incorporating Amendments Through January 15, 2002

# **Summary Of Past Amendments To The Marketing Order For Manufacturing Milk and Dairy Products In California**

## ***January 1, 1972***

- Redefined the fiscal year so as to be on a calendar year basis.
- Placed nomination meetings in the fall prior to October 31.
- Redefined the term of office to better correspond with the new fiscal year definition.

## ***April 7, 1975***

- Provided for public member position.

## ***January 31, 1977***

- Reduced quorum requirement from 9 to 8

## ***February 20, 1978***

- Reduced the size of the Board from 13 to 12 producers.

## ***May 21, 1984***

- Increased the maximum allowable assessment rate from  $\frac{1}{2}$  of 1% to 1% of the gross dollar value.

## ***August 1, 1984***

- Provided for a temporary cents/hundredweight assessment.

## ***May 5, 1985***

- Provided for the permissive use of official board brand names and other distinctive designations.
- Provided for reserve alternate members.

## ***May 1, 1986***

- Made the cents/hundredweight assessment a permanent option.

## ***August 1, 1987***

- Reduced the size of the Board from 12 producers to 11 producers.
- Modified district representation.

## ***April 1, 1998***

- Reduced the size of the Board from 11 producers to 9 producers.
- Reduced the quorum from 7 to 5.
- Revised voting requirements for passage of board motions.
- Clarified role of alternate members
- Eliminated reserve alternate positions.

## ***June 15, 1999***

- Modified district representation.

## ***August 24, 1999***

- Authorized incidental brand advertising activities on a temporary basis through the year 2002.

## ***January 15, 2002***

- Modified district representation.

**MARKETING ORDER FOR MANUFACTURING MILK  
AND DAIRY PRODUCTS IN CALIFORNIA**

Originally Effective April 1, 1970 - With Amendments Through January 15, 2002

A R T I C L E   I

D E F I N I T I O N S

Section A. DEFINITION OF TERMS. As used in this Order, the following terms have the following meanings:

1. "Department" means the Department of Food and Agriculture of the State of California.
2. "Act" means the California Marketing Act of 1937, being Part 2, Chapter 1, Division 21 of the Food and Agricultural Code, as amended.
3. "Person" means any individual, partnership, corporation, association, or any other business unit.
4. "Milk" or "Manufacturing Milk" means the lacteal secretion which is obtained from the udders of cows and as defined by Section 32509 of the Food and Agricultural Code.
5. "Dairy Products" include milk and any derivative of milk which is in natural, processed, or manufactured form or which constitutes a part of another article, commodity, or product but does not include imitation milk or imitation dairy products.
6. "Imitation Milk" or "Imitation Dairy Product" means any product which is not a dairy product as defined herein but which resembles any dairy product and which is sold in competition with such dairy product.
7. "Manufacturing Milk Producer" or "Producer" means any person that operates a dairy farm of cows as defined in Section 32505 of the Food and Agricultural Code, and that is engaged within this State in the business of producing, or causing to be produced, for market, manufacturing milk as defined herein.
8. "Handler" means any person who purchases or otherwise acquires possession or control of manufacturing milk from a producer in unprocessed form.
9. "Fiscal Year" means the period beginning January 1 of any year and extending through the last day of December of the same year. (Amended 1/1/72)
10. "Board" or "Advisory Board" means the Manufacturing Milk Producers Advisory Board established pursuant to this Marketing Order.
11. "Books and Records" means any books, records contracts, documents, memoranda, papers, correspondence, or other written data, pertaining to matters relating to this Marketing Order, of any producer directly affected by this Marketing Order.

## ARTICLE II

### MANUFACTURING MILK PRODUCERS ADVISORY BOARD AND COMMITTEES

#### Section A. ESTABLISHMENT, MEMBERSHIP, AND TERM OF OFFICE.

1. An advisory board to be known as the Manufacturing Milk Producers Advisory Board is hereby established to assist the Department in the administration of this Marketing Order. The board shall be composed of nine (9) members and nine (9) alternate members, all of whom shall be producers of manufacturing milk.

Notwithstanding other provisions of this Article II, and upon the recommendation of the Board, the Department may appoint one (1) member and one (1) alternate member to the Board to represent the general public, in addition to the nine (9) members who are producers of Manufacturing Milk as provided for in this Section A. Such persons so appointed as public representatives to the Board shall not have a direct financial interest in, nor be closely associated with, the production, processing, financing or marketing of California agricultural commodities.

2. Members of the Board and their alternates shall be appointed by the Department from nominations received for that purpose. The regular term of office for appointments shall be for a period of three years. Terms shall be staggered so that only a portion of the positions comes up for nomination each year. Terms shall commence on December 1 of any given year and continue to November 30 of the third year thereafter, or until successors have been duly qualified and appointed.

3. Nominations and appointment of producer members and alternate members of the Board shall be from three (3) districts as described hereinafter: (this section last amended 1/15/02)

District 1 - Shall be composed of the counties of Humboldt and Del Norte. Representation shall be three (3) manufacturing milk producers and their alternates.

District 2 - Shall be composed of the counties of Trinity, Tehama, Shasta, Siskiyou, Modoc, Lassen, Glenn, Colusa, Butte, Sutter, Yuba, Plumas, Sierra, Nevada, and Placer. Representation shall be three (3) manufacturing milk producers and their alternates.

District 3 - Shall be composed of all those counties not included in Districts 1 and 2 above. Representation shall be three (3) manufacturing milk producers and their alternates.

Section B. MODIFICATION OF DISTRICTS AND REPRESENTATION. In the event of changes in the production of manufacturing milk in the several districts and in order to maintain reasonably equitable representation upon the Board for all manufacturing milk producers the Board may from time to time recommend to the Department, and the Department may approve modifications of districts or representation therefrom; provided, that any such modifications shall be coordinated with terms of office of members and their alternates so that nomination meetings may be held in the districts as modified and appointments made in accordance therewith. Any said modification of districts or representation shall be a minor amendment as defined in the Act.

#### Section C. NOMINATION OF MEMBERS AND ALTERNATE MEMBERS OF THE BOARD.

1. Annually, and not later than October 31 of each year, the Department shall call and conduct meetings of manufacturing milk producers and producer- handlers in each of the districts where there is or will be a vacancy for the purpose of receiving nominations of manufacturing milk

producers, and their alternates for appointment by the Department to fill any such vacancies occurring in the membership of said Board in each such district.

2. Insofar as practicable, at such meetings producers shall nominate not less than two (2) persons for each member to be appointed to the Board from each such district.

3. At such meetings the Board may assist manufacturing milk producers in each district to elect the membership of one or more local milk producers Advisory Committees for each district to assist with local activities and advise informally the Board members from each such district, and the Board, regarding the operation of programs authorized under this Marketing Order.

#### Section D. APPOINTMENT OF MEMBERS AND ALTERNATE MEMBERS OF THE BOARD.

1. From the nominations received the Department shall select and appoint members and alternates to fill the vacancies occurring.

#### Section E. QUALIFICATION OF BOARD MEMBERS.

1. Each person appointed by the Department for producer positions on the Board shall be a producer of manufacturing milk and shall qualify also by filing with the Department a written acceptance, proof of citizenship, and other necessary papers as the Department may require.

Section F. INTERIM FILLING OF VACANCIES. To fill any vacancy occasioned by failure of any person appointed as a member or alternate member to qualify, or in the event of death, removal, resignation, or disqualification of any member or alternate member of the Board, a successor may be appointed from among persons on the list of eligible nominees established at the preceding nomination meeting, or the remaining members of the Board may nominate qualified persons eligible for appointment by the Department to fill such vacancies. All vacancies filled by the Department pursuant to this Section shall be only for the remainder of the term of such membership.

Section G. ALTERNATE MEMBERS OF THE BOARD. An alternate member of the Board shall, in the absence of the member for whom he or she is the alternate, sit in the place and stead of such member. In the absence of both a member and his or her alternate, any alternate member may sit in the place and stead of such member provided alternates from the same district as the absent member are given first priority. However, a producer alternate member may not serve in the absence of the public member nor may the public alternate member serve in the absence of a producer member. When an alternate sits in the place and stead of a member he or she shall have all of the rights, powers, privileges, and immunities as the member. In the event of the death, removal, resignation, or disqualification of a member, the alternate shall act in the place and stead of the member until a successor has been appointed by the Department and has qualified.

Section H. DUTIES AND POWERS OF THE BOARD. The Board shall have the following powers and duties, which may be exercised subject to the approval of the Department:

1. To administer the provisions of this Marketing Order.

2. To recommend to the Department annually, and more frequently as may be required, programs of research, education, and promotion of manufacturing milk and dairy products and other food products as authorized herein.

3. To recommend to the Department administrative rules and regulations pertaining to the administration and enforcement of this Marketing Order.

4. To recommend to the Department amendments to the Marketing Order.

5. To recommend to the Department annually budgets covering estimated income, administrative expenses of the Board and the Department, and the expenses to be incurred under proposed programs of research, education, and promotion.

6. To appoint a manager and such employees as it may deem necessary to carry out its functions, to fix their salaries, and define their duties.

7. To keep minutes, books, and records which clearly reflect all of its acts and transactions, and which shall at all times be subject to examination by the Department, and to provide to the Department copies of the minutes of all meetings, duly certified by an authorized officer of the Board.

8. To elect a Chairman, Vice Chairman, Secretary, and such other officers as may be appropriate from the membership of the Board.

9. To adopt such other rules for the conduct of the business of the Board as the Board may deem advisable.

Section I. EXPENSES OF MEMBERS OF THE BOARD. The members and alternate members of the Board, when acting as members or as members of any committee, or any member of the Board when requested to perform a specific task for the Board, may be reimbursed for all necessary expenses incurred in performing their duties and exercising their powers hereunder.

#### Section J. COMMITTEES OF THE BOARD.

1. Committees. The Advisory Board may at any time recommend to the Department the establishment of committees and the appointment of members thereto to carry out duties and functions as delegated or assigned by the Board and shall be limited to those necessary to carry out the actions and policies of the Board. Any action taken by any such committee shall be subject to approval by the Board and the Department.

2. Executive Committee. An Executive Committee shall be selected by the Board from its membership, consisting of the Chairman, Vice Chairman, and Secretary.

The duties and functions of the Executive Committee shall be those delegated to it by the Board and shall be limited to those necessary to carry out the actions and policies of the Board in the interim between Board meetings. All actions taken by the Executive Committee shall be subject to approval by the Board and the Department.

Section K. PROCEDURE FOR THE BOARD. A quorum shall consist of not less than five (5) producer members. All actions of the Board, except recommendations for minor amendments, shall be valid if approved by a majority of the members present at duly called meetings for which a quorum exists.

Section L. LIMITATION OF LIABILITY OF BOARD MEMBERS AND EMPLOYEES. The members and alternate members of the Board, duly selected and appointed by the Department and while serving as members of the Board or of the Committees established hereunder, and the employees of such Board, shall not be held responsible individually in any way whatsoever to any producer, or handler or any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person shall be held responsible individually for any act or omission of any other member of the Board. The liability of the members and alternate members of the Board shall be several and not joint and no member or alternate member shall be liable for the default of any other member or alternate member.

## ARTICLE III

### RESEARCH, EDUCATION, AND PROMOTION PROGRAMS

Section A. RESEARCH PROGRAMS. As provided in Sections 58892 and 58892.1 of the Act, as amended, the Board is authorized to prepare from time to time and to present to the Department, for approval by the Department, programs of research relating to manufacturing milk and dairy products. Also, as provided in these Sections, such programs may include research studies concerning the health, food, nutritional, therapeutic, dietetic or such qualities of other food products, for the development of new food products or for the development of new uses for milk or dairy products.

Upon approval by the Department, the Board may proceed to implement and to administer any such programs of research as provided for herein, and to report findings thereon to manufacturing milk producers, the Department, and other interested persons.

Section B. EDUCATIONAL PROGRAMS. Pursuant to the provisions of Section 58893 of the Act, as amended, the Board is authorized to prepare from time to time and to present to the Department for approval, programs of education relating to manufacturing milk and dairy products. Such programs may include programs designed to acquaint producers, or other interested persons with quality improvement, including sanitation practices, procedures, or methods as applied to such manufacturing milk or dairy products, and may also include educational programs designed to make available to producers, handlers, and the public generally the findings of research programs carried out pursuant to the provisions of Section A of this Article.

Upon approval by the Department, the Board may proceed to implement and to administer any such programs as provided for herein and to incur expenses thereunder.

Section C. PROMOTION PROGRAMS. Pursuant to the provisions of Section 58889 of the Act, as amended, the Board is authorized to develop programs of advertising and trade promotion relating to manufacturing milk and dairy products, for consideration and approval by the Department; provided, that any such plans shall be directed toward increasing the sale of such milk and dairy products without reference to any private brand or trade name used by any handler of milk or dairy products; and provided, further, that no such advertising or promotion program for milk or dairy products shall make use of any false or unwarranted claims in behalf of any such products, or disparage the quality, value, sale, or use of any other commodity.

*(In 1998, the CMMAB was granted the authority to make incidental references to brands of butter and cheese via AB 1525. This authority has a sunset provision of January 1, 2003.)*

Upon approval by the Department, the Board is authorized to implement and administer any such programs as provided for herein and to incur expenses thereunder.

Section D. OFFICIAL BOARD BRAND, TRADE NAME AND LABEL PROGRAMS. Pursuant to the provisions of Section 58894 of the Food and Agricultural Code, the Board is authorized to establish and to regulate the permissive use of official Board brands, trade names and labels, and other distinctive designations of grade, quality or condition, except the grade or quality designations in effect pursuant to State or Federal grade standards, for any product in which manufacturing milk or other dairy products are used. Any official Board brand or trade name which is established pursuant to this Section shall not be construed as a private brand or trade name with respect to Section 58889 of the Code. (Amended July 9, 1984)

Section E. AUTHORIZATION TO ENTER INTO CONTRACTS AND TO EMPLOY QUALIFIED PERSONNEL. In order to carry out any research, education, or promotion program authorized by this Article, the Board is authorized to enter into any necessary contracts with public or private agencies or persons qualified to assist in the formulation and conducting of any such programs or plans, and to prepare estimates of the costs of any such programs. Any such contract shall clearly state the services to be performed and the estimated costs to be incurred and shall provide for an accurate accounting of all actual expenditures under such contract.

Section F. APPROVAL BY THE DEPARTMENT. Upon submission and recommendation by the Board to the Department of any research, education, or promotion programs for manufacturing milk and dairy products as provided for herein, together with recommendations by the Board reflecting estimated expenditures thereunder, the Department may approve such plans and authorize the Board to implement and administer such programs and to incur expenditures in connection therewith.

## ARTICLE IV

### FINANCIAL PROVISIONS

#### Section A. INITIAL ASSESSMENT RATE.

1. From and after the effective date of this Marketing Order, each manufacturing milk producer in this State shall pay to the Department an assessment at the rate of one-half of one percent (1/2 of 1%) of the gross dollars payable to such producer for all manufacturing milk produced by him or her and sold or delivered to a handler.

2. All such sales or deliveries by producers to handlers shall be reported and paid to the Department by the receiving handler not later than thirty (30) days after the last day of the month of purchase or receipt of any such milk.

#### Section B. MODIFICATION OF ASSESSMENT RATE.

1. No increase in the assessment rate authorized in Section A hereof may be recommended by the Board or approved by the Department prior to one (1) year following the effective date of this Marketing Order.

2. Following the time specified in Subsection 1 of this Section the Board may recommend and the Department may approve an assessment rate of up to, but not exceed one percent (1%) of the gross dollars payable to such producer for manufacturing milk produced and marketed.

3. Notwithstanding the provisions set forth in Article IV, Section A, Number 1 of this Order, the Board may recommend, and the Department may approve, a cents-per-hundredweight rate of assessment on milk produced and sold or delivered to a milk handler by manufacturing milk producers, provided that the rate recommended by the Board does not exceed 10 cents per hundredweight, or one percent of the gross dollar value of milk produced and marketed, whichever is less. (Amended 5/1/86)

4. If, after the first year, the Board recommends to the Department an increase in the rate of assessment above that established herein for the first year of operation, an affirmative vote of not less than two-thirds (2/3) of the total membership of the Board is required. (Amended 5/21/84)

5. The Board may recommend and the Department may approve a reduction in the rate of assessment if it finds that such rate of assessment is not necessary to provide sufficient monies to cover operations under this Marketing Order.



### Section C. COLLECTION OF ASSESSMENTS.

1. Each producer shall be liable for the payments of assessments levied hereunder upon milk produced by him or her . Pursuant to the provisions of Section 58935 of the Act, as amended, the Department shall collect all such assessments from the handlers who purchase or otherwise receive or acquire milk from producers as provided in this Article. Each handler who purchases or receives or otherwise acquires any such milk for and on behalf of any producer shall deduct such assessments from any monies owed by him or her to any such producer.

2. The Department shall prescribe rules and regulations with respect to the application and collection of assessments authorized herein.

Section D. PENALTIES FOR NONPAYMENT OF ASSESSMENTS. To any assessment unpaid within the time specified by the Department, the Department may add an amount not exceeding ten percent (10%) of such unpaid assessment to defray the cost of enforcing the collection of such unpaid assessment.

### Section E. BUDGETS.

1. At the beginning of each fiscal year hereunder and from time to time thereafter as may be necessary, the Board shall formulate and present to the Department, with its approval, budgets covering expenses of administration of the Board and the Department, and estimated expenses to be incurred in any proposed programs of research, education, and promotion.

2. Upon recommendation by the Board, the Department may approve any such budgets, or amendments thereto, so recommended by the Board if it finds that the same are proper and necessary to defray the expenses of the Board and the Department, and for carrying out any programs of research, education, and promotion authorized herein.

All monies derived from the assessment of manufacturing milk producers shall be expended for programs of research, education, or promotion applicable to manufacturing milk, dairy products, and other food products as authorized herein and in the Act and for the necessary expenses incurred by the Board and the Department in the administration of such programs and this Marketing Order.

Section F. REFUNDS. Any monies collected as assessments by the Department pursuant to this Marketing Order, and not required to defray the expenses incurred under this Marketing Order, may be refunded at the close of any fiscal year, upon recommendation by the Board and approval by the Department, on a pro rata basis, to all persons from whom such monies were collected; provided, that upon termination of this Marketing Order all monies remaining and not required by the Department to defray the expenses of this Marketing Order, shall be returned by the Department upon a pro rata basis to all persons from whom such assessments were collected.

## ARTICLE V

### GENERAL PROVISIONS

Section A. ADMINISTRATIVE RULES AND REGULATIONS. Upon recommendation of the Board, the Department is authorized to issue and make effective such administrative rules and regulations and interpretations as may be authorized by the Act and necessary to carry out the purposes and attain the objectives of this Marketing Order.

Section B. COORDINATION WITH OTHER STATE OR FEDERAL PROGRAMS. No programs approved hereunder shall interfere or conflict with similar programs established under other State or Federal laws. Insofar as possible, duplication of programs or expenditures of money therefore shall be avoided. Insofar as may be practicable and consistent with attainment of the objectives of this Marketing Order, the administration of this Marketing Order and any of the programs authorized hereunder may, upon recommendation of the Board, be coordinated with any other similar Marketing Orders or programs so as to avoid any such duplication of program or expense.

## ARTICLE VI

### BOOKS AND RECORDS

Section A. BOOKS AND RECORDS. Any and all persons subject to the provisions of this Marketing Order shall maintain books and records reflecting their operations under this Marketing Order and shall furnish to the Department such information as may be, from time to time, requested by him or her relating to their operations under this Marketing Order, and shall permit the inspection by the Department or such representatives of such portions of such book and records as relate to operations under this Marketing Order.

Section B. REPORTS TO THE BOARD. Upon request of the Board, and with approval of the Department, each person subject to this Marketing Order shall furnish to the Board such other information, in addition to the reports specifically required herein, relating to operations under this Marketing Order may be required by the Board to administer properly the programs authorized in Article III hereof.

Section C. CONFIDENTIAL INFORMATION. Any information furnished to the Department or to the Board by any person required to do so by the Act or this Article, shall be kept confidential as to its particular source, but may be released in such combined form as to protect the confidentiality of its particular source, and shall not be disclosed by any person authorized to receive such information to any other person, save to a person authorized to receive such information to any other person, save to a person with like right to obtain the same, or to any attorney employed by the Department to give legal advice thereupon, or required by court order to do so.

Section D. IMMUNITY. No person shall be excused from attending and testifying or from producing documentary evidence before the Department in obedience to the subpoena of the Department on the ground or for the reason that such testimony or evidence, documentary or otherwise, may tend to incriminate him or her or subject him or her to penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he or she may be so required to testify or to produce evidence, documentary or otherwise, before the Department in obedience to a subpoena issued by the Department.

## ARTICLE VII

### APPEALS

Section A. APPEALS. Any person regulated by this Marketing Order may petition the Department to review any order or decision of the Board. Such petition must be filed in writing setting forth the facts upon which it is based.

Section B. EFFECT OF APPEAL. Pending the disposition of any appeal provided for in Section A of this Article, the parties shall abide by the decision of the Board, unless the Department shall rule otherwise if it is the opinion of the Department that the facts available reasonably support the continuation of the petitioner, the Department shall grant any such petition and may amend or revise any order or decision of the Board upon which such appeal has been taken.

## ARTICLE VIII

### RELATION TO OTHER LEGISLATION

Section A. ANTI-TRUST LAWS. In any civil or criminal action or proceeding for violation of the Cartwright Act, the Unfair Practices Act, the Fair Trade Act, Section 16600 of the Business and Professions Code, or any rule of statutory or common law against monopolies or combinations in restraint of trade, proof that the Act complained of was done in compliance with the provisions of this Marketing Order and in furtherance of the purposes and provisions of the Act shall be complete defense to any such action or proceeding.

## ARTICLE IX

### DURATION OF IMMUNITIES

Section A. DURATION. The benefits, privileges, and immunities conferred by virtue of the provisions of this Marketing Order shall cease upon its termination by the Department, except with respect to acts done under and during the period when the provisions of this Marketing Order are in force and effect.

## ARTICLE X

### AGENTS

Section A. AGENTS. The Secretary of the Department may, by a designation in writing, name any person, including any officer or employee of the State or any employee, bureau or division of the Department, to act as his/her agent or representative in connection with any of the provisions of this Marketing Order.

## ARTICLE XI

### DEROGATION

Section A. DEROGATION. No provisions contained herein shall be construed to be in derogation or in modification of the rights of the Secretary of the Department as the head of an agency of the State, to exercise any powers granted by the Act or otherwise, and in accordance with such powers to act in the premises whenever such action is deemed advisable.

## ARTICLE XII

### SEPARABILITY

Section A. SEPARABILITY. If any provision hereof is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof or the applicability thereof to any person, circumstance, or thing, shall not be affected thereby.

## ARTICLE XIII

### EFFECTIVE TIME AND TERMINATION

Section A. EFFECTIVE TIME. This Marketing Order shall become effective on the date specified by the Department and shall continue in effect until suspended or terminated by the Department, or by operation of law in accordance with the provisions of the Act.

Section B. SUSPENSION OR TERMINATION.

1. Suspension or Termination. The Department shall suspend or terminate this Marketing Order or any provisions thereof, whenever it finds, after a public hearing has been held thereupon as required by the Act, that said Marketing Order, or any provision thereof, is illegal or does not tend to effectuate the declared purposes of the Act within the standards and subject to the limitations and restrictions of said Act; provided, however, that no such suspension or termination shall become effective until the expiration of the then current fiscal year.

2. Petition for Termination. If the Department received a petition from manufacturing milk producers of the State pursuant to the provisions of Section 59083 of the Act requesting the Department to conduct a hearing upon the question of continuation of this Marketing Order, the Department shall conduct such a hearing as provided in the Act, and if it finds, from the testimony received at said hearing that there is serious question whether milk producers support continuation of the Marketing Order, it shall submit the question to manufacturing milk producers through the voting procedure as provided in Subsections 9a), (b), or (c) of Section 58993 of the Act. If such manufacturing milk producers indicate by such method their desire to continue this Marketing Order, the Department shall continue it; if not, the Department shall terminate this Marketing Order; provided, that no such termination shall become effective until the close of the fiscal year then current.

Section C. EFFECT OF TERMINATION, SUSPENSION OR AMENDMENT. Unless otherwise expressly provided in the Notice of Amendment, Suspension, or Termination, no amendment, suspension, or termination of this Marketing Order shall either: (a) affect, waive, or terminate any right, duty, obligation, or liability which shall have arisen or may thereafter arise in connection with any other provisions of this Marketing Order not so amended, suspended, or terminated; (b) release, condone, or dismiss any violation of any provision of this Marketing Order or any rule or regulation issued hereunder, occurring prior to the effective time of such amendment, suspension, or termination; or (c) affect or impair any rights or remedies of the Department or any person with respect to any such violation.